

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH DEAN LEE,

Defendant.

CR-15-63-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 8, 2025. (Doc. 113.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on December 10, 2024 (Doc. 104.) The United States accused Joseph Dean Lee (Lee) of violating his conditions of supervised release by: (1) failing to report to the probation office within 72 hours of being released from custody on September 30, 2024; and (2)

failing to report to his probation officer as instructed on October 7, 2024, with his whereabouts unknown until his arrest on December 2, 2024. (Doc. 101.)

At the revocation hearing, Lee requested an evidentiary hearing. (Doc. 104). Judge Johnston conducted an evidentiary hearing on January 7, 2024. (Doc. 111.) At the evidentiary hearing, Judge Johnston determined that the Government had met its burden to show by a preponderance of the evidence that it was more likely than not that Lee had committed the alleged violations of (1) failing to report to the probation office within 72 hours of being released from custody on September 30, 2024; and (2) failing to report to his probation officer as instructed on October 7, 2024, with his whereabouts unknown until his arrest on December 2, 2024. (*Id.*)

Judge Johnston found that the violations prove serious and warrants revocation of Lee's supervised release and recommends a term of custody of until January 31, 2025, at noon, with 32 months of supervised release to follow. Lee was advised of his rights to appeal and allocute to the undersigned and waived those rights. (Doc. 111.)

The violations prove serious and warrants revocation of Lee's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 113) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Joseph Dean Lee be sentenced to a term of custody until January 31, 2025, at noon on Count II and to custody until January 31, 2025, on Count III, with 32 months of supervised release to follow on Count II and 32 months of supervised release to follow on Count III, with both the custodial and supervised release terms to run concurrently.

DATED this 8th day of January 2025.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court